ACT No. XX OF 1879.[a]

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th November, 1879.)

An Act to provide for the better prevention of Glanders and Farcy among Horses.

Preamble. WHEREAS it is expedient to provide for the better prevention of glanders and farcy among horses; It is hereby enacted as follows:—

Short title. 1. This Act may be called "The Glanders and Farcy Act, 1879":

Local extent. It extends to the whole of British India;[b]

Commencement. and it shall come into force at once.

Interpretation-clause. 2. In this Act, unless there is something repugnant in the subject or context,—

"horse:" "horse" includes also ponies, asses, mules and jennets:

"diseased." "diseased" means affected with glanders or farcy.

Local Government may apply the Act. 3. The Local Government may, by notification in the official Gazette, apply this Act, or any provision of this

[a] This Act has been extended under section 5 of the Scheduled Districts Act (XIV of 1874) to Upper Burma (except the Shan States), see the Notification in the Appendix to Part I of the Burma Code, Ed. 1889, p. 491.

It has been applied to the following territories and places in Native States administered by the Governor General in Council, namely:—

(1) The Hyderabad Assigned Districts, Notification No. 2803-I., Gazette of India, 1896, Pt. I, p. 672.

(2) The Cantonment of Sikandarabad, Notification No. 170-I. J., Gazette of India, 1881, Pt. I, p. 328.

[b] The rest of this paragraph which excepted the territories administered by the Governors of Madras and Bombay and the Lieutenant-Governor of Bengal from the operation of the Act, were repealed by Act XXIV of 1886 and Act XV of 1896.

this Act, to any local area,[a] to be specified in such notification, within the territories administered by it, and may in like manner amend or cancel any such notification.

Local Government to appoint Inspectors.

4. When this Act has been so applied to any local area, the Local Government may, by notification in the official Gazette,[b] appoint either by name or by virtue of their office such persons as it thinks fit to be Inspectors under this Act and to exercise and perform, within the whole of such local area or such portions thereof as it may from time to time prescribe, the powers conferred and the duties imposed by this Act on such officers.

Every person so appointed may be suspended or dismissed by the Local Government which appointed him.

Every person so appointed shall be deemed a public servant within the meaning of the Indian Penal Code.[c] Act XLV of 1860.

5. Within

[a] For a list of places in the Central Provinces to which the Act has been applied, see Central Provinces Code, Ed. 1891, Appendix I, p. 369.

The whole Act and the rules framed thereunder were extended to the whole of the Panjab, see Notification No. 657, Panjab Gazette, 1883, Pt. I, p. 106.

For a list of places in the North-Western Provinces and Oudh to which the Act has been applied, see the Volume of Local Rules and Orders, Ed. 1894, published by the Government of the North-Western Provinces and Oudh, p. 226.

The Act has been extended to Rangoon, see Notification No. G. D. 434, p. 141, of the Burma Rules Manual, Ed. 1893, published by the Burma Secretariat; and, with the exception of section 10, it has also been applied to the rest of Burma, including Upper Burma, except the Shan States, by Notification No. 244-R.D., dated 24th June, 1896, see *Burma Gazette*, 1896, Pt. I, p. 320.

For places to which the Act has been applied in the Presidency of Bombay, see Notification on pp. 173 and 175 of the compilation of Rules and Notifications under Acts chiefly dealt with in the Judicial Department of the Government of Bombay, Ed. 1893, published by that Department.

[b] For persons appointed under this section in the North-Western Provinces and Oudh, see the Volume of Local Rules and Orders, Ed. 1894, published by the Government of the North-Western Provinces and Oudh, p. 227; in the Central Provinces, see the similar volume for those Provinces, Ed. 1896, published under the authority of the Local Government, pp. 30 and 31; in Burma, see Notifications Nos. 245 and 246, dated 24th June, 1896, Burma Gazette, 1896, Pt. II, p. 320; in the Presidency of Bombay, see pp. 175 and 178 of the compilation of Rules and Notifications under Acts chiefly dealt with in the Judicial Department of the Government of Bombay, Ed. 1893, published by that Department.

[c] See Act XLV of 1860, section 21. (For Act XLV of 1860, see the revised edition, as modified up to 1st May, 1896, published by the Legislative Department).

Inspector's power to seize horse.

5. Within the local limits for which he is so appointed, any such Inspector may seize any horse which he has reason to believe, from personal knowledge or from information given by any person and taken down in writing, is diseased.

Power of entry, and search given to Inspectors.

6. For the purpose of making such seizure, such Inspector may, subject to such rules as the Local Government may from time to time make in this behalf, enter and search any field, building or other place where he has reason to believe that any such horse is to be found.

Horse to be examined by Veterinary Practitioner.

7. On any such seizure, the Inspector shall cause the horse so seized to be examined as soon as possible by such Veterinary Practitioner[a] as the Local Government may from time to time appoint in this behalf:

[b] Provided that when the Inspector is also a Veterinary Practitioner so appointed he may make the examination himself[b].

Horse to be destroyed if found diseased; otherwise restored.

8. If such[a] Practitioner certifies in writing that such horse is diseased, the Inspector shall cause the same to be immediately destroyed; but if such[a] Practitioner does not so certify, the Inspector shall at once deliver the same to the person entitled to the possession thereof.

When horse diseased, place where it has been to be disinfected, etc.

9. When any diseased horse has been in any building, shed or other enclosed place, or in any open lines, the Inspector may issue a notice to the owner of such building, shed, place or lines, or the person in charge thereof, directing him to have the same disinfected, and the internal fittings thereof, or such other things found therein or near thereto as the Local Government may from time to time by rule prescribe, destroyed.

On the failure or neglect of such owner or other person to comply with such notice within a reasonable time, the Inspector shall cause such building, shed, place

---

[a] The word "Practitioner" was substituted for the word "Surgeon" in sections 7 and 8 by Act XV of 1896, section 2.

[b-b] The proviso to section 7 was added by Act XV of 1896, section 2.

place or lines to be disinfected, and such fittings or other things to be destroyed, and the expense (if any) thereby incurred may be recovered from such owner or other person as if it were a fine.[a]

Owner or person in charge of diseased horse to give notice.

10. The owner or any person in charge of a diseased horse shall give immediate information of such horse being diseased to the Inspector or to some officer of Police.

Prohibition against removal, without license, of horse which has been with diseased horse.

11. No person in charge of any horse which has been in the same field, building or place or in contact with a diseased horse shall move such horse, except in good faith for the purpose of preventing infection or under a license to be granted by the Inspector and subject to the conditions of such license.

Vexatious entries, searches and seizures.

12. Any Inspector who, without reasonable ground of suspicion, enters or searches any field, building or other place, or vexatiously and unnecessarily seizes or detains any horse on the pretence that it is diseased, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

Penalty for refusing to comply with notice under section 9; or moving horse contrary to section 11.

13. Any person who refuses or neglects to comply with any notice issued by the Inspector under section 9, or who moves any horse in contravention of section 11, shall be punished with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Power to make rules.

14. The Local Government may, from time to time, make rules, consistent with this Act,—

(*a*) for regulating entries and searches by Inspectors under this Act;

(*b*) for regulating the destruction of horses certified under section 8 to be diseased, and the disposal of the carcases of such horses;

(*c*) for

---

[a] As to recovery of fines, see the General Clauses Act (I of 1868), section 5. [Printed General Acts, 1867-76, Ed. 1887, p. 16]

(*c*) for regulating the disinfecting of buildings and places in which diseased horses have been, and for prescribing what things found therein or near thereto shall be destroyed;

(*d*) for regulating the grant of licenses under section 11, and the conditions on which such licenses shall be granted; and

(*e*) generally for carrying out the purposes of this Act.

[[a]] All such rules shall be published in the official Gazette, and shall thereupon have the force of law.

Any person breaking a rule made under this section shall be punished with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Appointment of same person to be both Inspector and Veterinary Practitioner.

[[b]]15. Any Veterinary Practitioner may be appointed by the Local Government to be both Inspector and Veterinary Practitioner for all or any of the purposes of this Act or of any rule thereunder.

---

[a] For rules made by the Government of the Panjab, see Notification No. 3598, Panjab Gazette, 1880, Pt. I, p. 401. These rules have been extended to the whole of the Panjab, see foot-note[*b*] on page 2, *supra*; by the Government of the North-Western Provinces and Oudh, see Notification No. 1494, printed in the Volume of Local Rules and Orders, Ed. 1894, published by that Government, Part II, p. 114; by the Chief Commissioner, Central Provinces, see Notification No. 1740, printed at page 81 of the Volume of Local Rules and Orders, Ed. 1896, published under the authority of the Local Government; by the Chief Commissioner of Burma, see Notification No. 247-R. D., dated the 24th June, 1896, Burma Gazette, 1896, Pt. I, p. 320; by the Government of Bombay, see pp. 173 to 176 of the compilation of Rules and Notifications under Acts chiefly dealt with in the Judicial Department of that Government, Ed. 1893, published by that Department.

[b] The present section 15 was added by Act XV of 1896, section 3. The original section was previously repealed by the Repealing and Amending Act (XII of 1891), section 2 (*I*) and the first schedule.

Govt. of India Central Printing Office.—No. 498 L. D.—27-3-97.—6,000.—J.D' S.